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UNCLAS SECTION 01 OF 02 ALGIERS 001912

SIPDIS

DOL/ILAB FOR TINA CARTER, DRL/IL FOR LAUREN HOLT

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [AG](#)

SUBJECT: CHILD LABOR MANDATORY REPORTING RESPONSE FOR ALGERIA

REF: STATE 143552

1. Child labor is not pervasive in Algeria. Most of the instances where it does occur are in the agricultural sector where there is either a shortage of labor, few educational opportunities, or a combination of both. Algeria has established ages for compulsory education (six to sixteen years of age) and laws against child labor (Article 15 of the Algerian Labor Code and Convention 182 among others) which have aided in curbing this phenomenon. Algeria's weaknesses, however, manifest themselves in less than consistent inspection and enforcement of established labor laws and little attention paid to statistical data tracking this problem. All information provided below is drawn from the Algerian Labor Code, the Algerian Constitution, Ministry of Labor reporting, or Post contact with the Ministry of Labor.

2. Per reftel paragraph 7, the following Algerian child labor information is provided:

A.1 What laws and regulations have been promulgated on child labor, such as minimum age(s) for employment or hazardous forms of work? If there is a minimum age for employment, is that age consistent with the age for completing educational requirements? Are there exceptions to the minimum age law?

The Algerian Labor Code sets the minimum age for employment at 16 (Article 15 of Law 90-11 of April 21, 1990 Labor Code). Minor labor, however, is tolerated with the consent of a parent or legal guardian so long as the work is not dangerous, unhealthy, or harmful and does not jeopardize their morality. Article 28 of the Labor Code prohibits night work for children and youth under age 19. Article 182 of Ordinance No 75-31 of April 1975 requires children to request the permission of the Ministry of Labor and Social Welfare in cases of fixed-term temporary jobs. Article 12 of Labor code provides for an exception allowing children from age 15 to work for a period between 6 and 12 months under an apprenticeship contract in exchange for a stipend. The children benefit from social security protections and insurance against a work accident. In case the apprenticeship is with the legal guardian, the contract is replaced by a registered and validated declaration. The Penal Code prohibits compulsory labor, including forced or bonded labor by children (Article 342 or Ordinance 75-47 of June 1975 and Law No. 82-40 of February).

A.2 Do the country's laws define the worst forms of child labor or hazardous work as the ILO defines those terms? If the country has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

Algeria ratified Convention 182 on February 9, 2001. Algeria's law does not define the worst forms of child labor and hazardous work. Article 11 of 1987 Law No. 88-07 stipulates that the employer should make sure that the work given to minors does not require efforts that exceed their capabilities.

B.1 Has the government designated an authority to implement and enforce child labor laws?

The Ministry of Labor's Labor Inspection Department is responsible for enforcing minimum age laws through regular inspections throughout the country. The Ministry has not enforced those laws effectively in the private sector, particularly in the agricultural sector.

B.2 What legal remedies are available to government agencies that enforce child labor laws (criminal penalties, civil fines, court orders), and are they adequate to punish and deter violations? To what extent are complaints investigated and violations addressed?

Article 140 of labor code's penal disposition provides for civil fines between \$14 and \$28 against the recruitment and hiring of a young person who is not of working age. In case of a repeat offense, a sentence of 15 days to 2 months imprisonment and a fine of \$28 to \$55 could be given. Post has no information from GOA on how many fines were levied to deter child labor.

B.3 What level of resources does the government devote to investigating child labor cases throughout the country? How many inspectors does the government employ to address child labor issues? How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

Algeria has about 900 labor inspectors nation-wide. However, not one of them is charged with specifically enforcing child labor laws. All central and regional labor inspectors review on a regular basis the business practices of employers to ensure the application and respect of regulations. They control working conditions, hygiene and security. They also provide employees and employers information on their rights and obligations. No major violations were addressed in 2005, except a few cases in the agricultural sector.

B.4 Has the government provided awareness raising and/or training activities for officials charged with enforcing child labor laws?

In November 2004, the Ministry of Labor held seminars on the role of labor inspectors. The seminar, with the participation of International Labor Organization, aimed at training and updating inspectors on new control methods and adapting them to recent Algerian economic and social developments. The Ministry of Labor announced new measures to improve the labor inspections by setting up labor inspection office in each Wilaya and increasing inspectors' powers.

C.1 What initiatives has the government supported to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families? (If possible, please provide information on funding levels for such initiatives.) Does the government support programs to promote children's access to primary schooling and to enhance the quality and relevance of schooling? (If possible, please provide information on funding levels for primary education as opposed to secondary and tertiary education.)

In 2004, the Ministry of Labor, in collaboration with the Ministry of Education, held a seminar to increase awareness among parents to promote schooling and prevent child labor.

C.2 Do the country's laws/regulations call for universal or compulsory education? Are these requirements enforced?

Under Article 53 of the Algerian Constitution, education is compulsory in Algeria between the age of 6 to 16. Education in Algeria is free at all levels. In 2002, statistics for gross primary school enrollment for children aged between 6 and 15 was 92.69%. School enrollment for students 15 and older was 89.3% in 2002 compared to 77.3% in 1990. In 2004, the number of students was 7,894,004 of which 3,806,416 were girls.

D.1 Does the country have a comprehensive policy or national program of action on child labor? If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives? Has the government made a public statement/commitment to eradicate the worst forms of child labor?

Statistics available on child labor in Algeria date back to 2002 and are not necessarily reflective of the actual situation. The Ministry of Labor acknowledged the difficulty of tackling the issue due to poor survey information and unreliable data. Better data would enable the Ministry to draw up a strategy to reduce child labor practices.

ERDMAN